

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Case No. 15-25115

ROGER L. SKOCZEK AND
DONNA R. SKOCZEK,

Debtors.

Chapter 11

**OBJECTION OF GREENSTONE FARM CREDIT SERVICES, FLCA TO
DEBTORS' MOTION FOR CONTINUATION OF AUTOMATIC STAY**

TO: Attorney Jeffrey D. Friebert United States Trustee's Office
 Krekeler Strother, S.C. U.S. Courthouse and Federal Building
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 Madison, WI 53713 Milwaukee, WI 53202

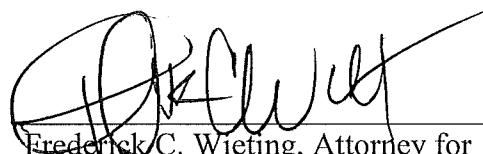
GreenStone Farm Credit Services, FLCA ("FLCA"), a secured creditor of Debtors herein and a party in interest, by its attorney, Frederick C. Wieting, objects to Debtors' Motion for Continuation of Automatic Stay as follows:

1. On September 8, 2014, FLCA commenced a foreclosure action against Roger L. Skoczek and Donna R. Skoczek ("Debtors") in the Circuit Court for Oconto County, Wisconsin as Case No. 14 CV 163, which action involves FLCA's first mortgage interest in the Debtors' cottage property located in said County ("Foreclosure Action").
2. On September 12, 2014, Debtors retained Krekeler Strother, S.C. to represent them in an anticipated bankruptcy action.
3. On December 5, 2014, Debtors filed a Chapter 13 bankruptcy action in the Eastern District of Wisconsin as Case No. 14-34533 through another firm, Muskego Law Group ("First Bankruptcy").
4. Upon expiration of the deadline to file the schedules, statement of financial affairs, Chapter 13 Plan and other required documents without compliance by Debtors, the Court dismissed the First Bankruptcy on December 23, 2014.
5. As a result of the filing of the First Bankruptcy, FLCA's Foreclosure Action was unreasonably delayed.

6. Judgment in the Foreclosure Action was granted in favor of FLCA on March 6, 2015, which provided for a six-month redemption period.
7. Debtors filed this Chapter 11 case on May 5, 2015 ("Second Bankruptcy").
8. Debtors were required to file certain documents in this Second Bankruptcy, including the schedules, no later than May 19, 2015.
9. Debtors filed the Motion for Continuation of Automatic Stay on May 14, 2015 based, in part, on the fact that they would timely file the schedules.
10. Debtors were again not prepared to file the requisite schedules by the deadline, and instead filed a "Motion for Extension of Time to File Schedules, Statements and Chapter 13 Plan".
11. As a result of the First Bankruptcy and Second Bankruptcy, both of which were filed within a 1-year period, there is the presumption under 11 U.S.C. §362(c)(3)(C)(i) that the Second Bankruptcy was not filed in good faith.
12. Debtors have failed to rebut said presumption by failing to submit any clear and convincing evidence as required in 11 U.S.C. §362(c)(3)(C)(i), and including, specifically, with respect to the following:
 - a) Pursuant to 11 U.S.C. §362(c)(3)(C)(i)(II)(aa), that Debtors' failure to file documents required by the Court was with a substantial excuse; and
 - b) Pursuant to 11 U.S.C. §362(c)(3)(C)(i)(III), that Debtors have experienced a substantial change in their financial or personal affairs since the dismissal of the First Bankruptcy or have given any other basis for their conclusion that they will successfully perform a confirmed plan.

WHEREAS, FLCA requests that Debtors' Motion for Continuation of Automatic Stay be denied and that the Court terminate the automatic stay for lack of good faith in the filing of this Second Bankruptcy, and in conjunction therewith requests a hearing on its objection.

Dated this 22 day of May, 2015.



Frederick C. Wieting, Attorney for
GreenStone Farm Credit Services, FLCA

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CERTIFICATE OF SERVICE

On the date stated below, the documents described were filed and served on the following persons either via US Mail by mailing a copy of said documents to their last known address or by ECF transmission:

Date Filed: May 22, 2015

Document Filed: Objection of GreenStone Farm Credit Services, FLCA to Debtors' Motion for Continuation of Automatic Stay

Parties served via the ECF Notice of Electronic Filing:

Attorney Jeffrey D. Friebert
Office of the U.S. Trustee



Trisha M. Schense